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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,359	12/28/2004	Paul Burt	122241	2993
25944	7590	12/21/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320				EVANS, GEOFFREY S
		ART UNIT		PAPER NUMBER
				1725

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/519,359	BURT ET AL.
	Examiner	Art Unit
	Geoffrey S. Evans	1725

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on ____.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 29-48 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) ____ is/are allowed.
 6) Claim(s) 29-33,36,38-43 and 46-48 is/are rejected.
 7) Claim(s) 34,35,37,44 and 45 is/are objected to.
 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>20050607</u> .	6) <input type="checkbox"/> Other: ____.

DETAILED ACTION

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "METHOD AND APPARATUS FOR LASER WELDING WITH PLASMA SUPPRESSION".

2. The abstract of the disclosure is objected to because the word "means" is legal phraseology. Correction is required. See MPEP § 608.01(b).
3. Entry of the substitute specification of 28 December 2004 is approved.
4. Claim 46 is objected to because of the following informalities: On line 2 "form" should be "from". Appropriate correction is required.
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 29,30,32,33,36,38-43,47,48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soga et al. in Japan Patent No. 8-238,587. Soga et al. discloses a laser welding apparatus with plasma suppression means (element 2) that delivers a jet of gas at an angle between 10-70 degrees (see paragraph 8) towards an impingement point that is a distance X from the laser beam impingement point on the workpiece surface. Soga et al. further discloses adjusting the distance X depending upon the welding conditions (see the first sentence in paragraph 7). It would have been obvious to adapt Soga et al. to have a distance of at least 1mm from the gas impingement point from the laser beam axis to optimize laser welding depending upon the machining conditions. Regarding claim 38, Soga et al. discloses using the inert element argon as the gas (see paragraph 8).

8. Claims 31 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soga et al. in Japan Patent No. 8-238,587 as applied to claim 29 above, and further in view of Gnann in DE 3,931,401. Gnann teaches a gas extraction means (element 10) located adjacent the laser beam, diametrically opposite the plasma suppression means to prevent particles from the plasma gas from soiling the focusing lens. It would have been obvious to adapt Soga et al. in view of Gnann to provide this to prevent particles from the plasma gas from soiling the focusing lens.

9. Claims 34,35,37, 44,45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571)-272-1171. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

GSE

Geoffrey S. Evans
Geoffrey S. Evans
Primary Examiner
Group 1700